

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DARAIUS DUBASH, and DR. FARAZ
HARSINI**

Plaintiffs,

V.

**CITY OF HOUSTON, TEXAS;
HOUSTON DOWNTOWN PARK
CORPORATION; OFFICER ROBERT
DOUGLAS (# 7943), in his Individual
capacity; OFFICER VERN WHITWORTH
(# 7595), in his individual capacity;
DISCOVERY GREEN CONSERVANCY
f/k/a HOUSTON DOWNTOWN PARK
CONSERVANCY; and BARRY MANDEL,
in his individual capacity,**

Defendants.

**CIVIL ACTION
CASE NO. 4:23-cv-03556**

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT
AND FOR EXTENSION OF BRIEFING SCHEDULE**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

NOW COME DEFENDANTS THE CITY OF HOUSTON; HOUSTON DOWNTOWN PARK CORPORATION; OFFICER ROBERT DOUGLAS (#7943) in his individual capacity; OFFICER VERN WHITWORTH (#7595), in his individual capacity; DISCOVERY GREEN CONSERVANCY f/k/a HOUSTON DOWNTOWN PARK CONSERVANCY; and BARRY MANDEL, in his individual capacity, (hereinafter collectively referred to as “the Defendants”) as well as PLAINTIFFS DARAIUS DUBASH and Dr. FARAZ HARSINI, who move this Court to extend the time to respond to the Complaint [Docket #1] to January 5, 2024, and all other deadlines

relative to a briefing schedule arising from said response(s), and in support thereof would respectfully show the Court as follows:

I. REQUEST FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

1. This action involves allegations by Plaintiffs that Defendants violated certain rights under the United States Constitution and the Texas Religious Freedom Restoration Act (found generally at TEX. CIV. PRAC. & REM. CODE § 110.001, *et seq.*). *See* Docket No. 1.

2. On September 20, 2023, Plaintiffs filed their Complaint. *See* Docket No. 1.

3. At present, all Defendants' deadlines to respond to the Complaint are fixed at December 27, 2023 [Docket No. 39]. This motion represents a request for the second such extension.

4. Except for Discovery Green and Barry Mandel, undersigned counsel began representing the Defendant parties just before the holidays, requiring counsel to prepare a defense for these parties during previously planned vacation periods for both counsel and respective client representatives. During the same time period, and on the same date, counsel were also required to prepare a responsive pleading in defense of Plaintiffs' Motion for Preliminary Injunction. The parties are not moving to extend the responsive deadlines for the preliminary injunction.

5. Accordingly, the parties respectfully request that the deadlines for all Defendants to respond to the Complaint be extended to January 5, 2024; and that Plaintiffs' deadline to respond to any motions brought under Rule 12(b) be extended to February 5, 2024; and that Defendants' deadline to reply be extended to February 19, 2024.

6. Counsel for Plaintiffs have advised they have no objection to this request in exchange for a consistent briefing schedule for all parties. Defendants agree.

II. BRIEFING SCHEDULE

7. Some, if not all, Defendants anticipate moving to dismiss the Complaint pursuant to FED.R.CIV.P. 12(b), in lieu of filing an Answer. Defendants have anticipatorily agreed that if this motion is granted, Plaintiffs' deadline to respond to any such motions will be extended to February 5, 2024. Consequently, the parties further request that Defendants will have until February 19, 2024, to file reply papers, if any.

III. PRAYER FOR RELIEF

8. Accordingly, Defendants request that this motion be granted and the following deadlines be set concerning the Complaint:

- **All Defendants' deadlines to answer or otherwise move against the Complaint shall be extended to January 5, 2024.**
- **Plaintiffs shall have until February 5, 2024, to respond to any FED.R.CIV.P. 12(b) motions filed against the Complaint.**
- **Defendants shall have until February 19, 2024, to submit any reply papers to Plaintiffs' response to any such motions.**

Respectfully submitted,

s/ Andrew S. Holland

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**Attorneys for Houston Downtown Park
Corporation**

CERTIFICATE OF CONFERENCE

I, Laura Flores Macom, certify that I conferred with Plaintiffs' counsel JT Morris prior to the filing of this motion and he agreed to a January 5, 2023 deadline for Houston Downtown Park Corporation to file its responsive pleading to Plaintiff's Complaint. Mr. Morris also conferred with defense counsel Andrew Holland regarding the same extension for all other Defendants. Mr. Morris agreed, in exchange for a similar and consistent extension for all briefing related to the motions, if any. Defendants have agreed to his request.

s/ Laura Flores Macom

LAURA FLORES MACOM

CERTIFICATE OF SERVICE

I, Laura Flores Macom, certify that today, December 27, 2023, I filed the Defendants' joint motion for a briefing schedule with CM/ECF, for filing and service upon all attorneys who have appeared.

s/ Laura Flores Macom

LAURA FLORES MACOM